

VOLUME THREE

Truth and
Reconciliation
Commission
of South Africa
Report



The report of the Truth and Reconciliation Commission was presented to President Nelson Mandela on 29 October 1998.



Archbishop Desmond Tutu
Chairperson



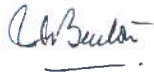
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* Subject to minority position. See volume 5.

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THE COMMISSION FINDS THAT THE FORMER STATE, THE MINISTER OF POLICE AND MEMBERS OF THE SAP AND RAILWAY POLICE WERE RESPONSIBLE FOR THE COMMISSION OF GROSS HUMAN RIGHTS VIOLATIONS IN THAT THEY WERE RESPONSIBLE FOR THE TORTURE AND ASSAULT OF DETAINEES.

Deaths in detention

51 Abdullay Jassat's description of his torture provides a clue as to what may have happened to thirty-two-year-old Mr Suliman Saloojee who died in detention in September 1964, two months after being detained under the ninety-day detention law. Suliman Saloojee, the fourth person to die while held under security legislation, allegedly jumped from the seventh floor of the Security Branch offices in Greys building, Johannesburg.

52 In a submission to the Commission, Saloojee's widow, Ms Rokaya Saloojee [JB00171/01ERKWA], said she struggled to be allowed access to her husband, whom she suspected was ill. Ms Saloojee had become suspicious about her husband's condition when neither the clothes nor the dishes for the food she had been bringing for him at the Rosebank police station were returned to her. She was eventually allowed a five-minute visit with him several weeks after his detention and found that he had a wound at the side of his forehead.

When they opened the cell door, I saw my husband had a patch on his head. When I asked him – I didn't even greet, I just asked what happened to you and this one policeman said that he bumped his head in the cell. So, I said that's funny he must have been drunk because there is nothing else that's in the cell that you can bump your head on. They closed the door on me and told me to go away, which I did. I had no alternative ... I didn't even speak to my husband. All he said to me in Gujerati is that I should keep quiet.

53 Some time later Ms Saloojee was preparing to take her husband food when she was visited by police who told her that her husband was in the Johannesburg hospital. She failed to trace him at the Johannesburg hospital or at any of the local hospitals. She heard of his death when a journalist approached her for a statement. After her husband's death, Rokaya Saloojee continued to be harassed by security police. She tried to leave the country but was refused a passport five times.

54 At Saloojee's inquest, Captain 'Rooi Rus' Swanepoel, Major Brits from the railway police, Sergeant CJ van Zyl, Constable van den Heever and Lieutenant HC Muller were identified as his interrogators. Swanepoel said that he had questioned

Saloojee on 9 September but that he had been out of the room at the time of the fall. He denied that any violence had been used in the interrogation. The magistrate, Mr AJ Kotze, found that no one was to blame and that nothing in the evidence suggested that the methods used in interrogating him had been irregular.²

THE COMMISSION FINDS THAT MR SULIMAN SALOOJEE WAS DETAINED ON JULY 1964 UNDER SECTION 6 OF THE TERRORISM ACT. DURING HIS DETENTION, HE WAS INTERROGATED BY CAPTAIN 'ROOI RUS' SWANEPOEL, MAJOR BRITS OF THE RAILWAY POLICE, SERGEANT CJ VAN ZYL, CONSTABLE VAN DER HEEVER AND LIEUTENANT HC MULLER. THE COMMISSION FINDS THAT, IN ALL PROBABILITY, THESE PERSONS ASSAULTED AND TORTURED SALOOJEE DURING HIS INTERROGATION THUS DIRECTLY CAUSING HIS DEATH.

THE COMMISSION FINDS THE SAP RESPONSIBLE FOR THE SEVERE ILL TREATMENT OF MS ROKAYA SALOOJEE, THE WIFE OF SULIMAN SALOOJEE, WHO CONTINUED TO BE HARASSED AND THREATENED BY THE POLICE AFTER HIS DEATH.

- 55 More deaths in custody were recorded following the introduction of the Terrorism Act, which provided for indefinite detention without trial on the authority of a police officer of or above the rank of lieutenant. Mr Ben Kgoathe [JB00113/03NWRUS], son of Mr Nicodemus Kgoathe who died in 1969 while being held under the Terrorism Act, told the Commission that a number of people had died in detention during the same year. These included Mr James Lenkoe [JB0092/01GTSOW] on 28 February, Mr Caleb Mayekiso [ECO644/96PLZ] in June, Mr Jacob Monnakgotla and Imam Haron in September.
- 56 James Lenkoe died in police custody after being detained under the Terrorism Act. Lenkoe was detained on the night of 5 March 1969 and died five days later in Pretoria local prison. The official cause of death, confirmed by a *post mortem* performed by the prison surgeon, was suicide by hanging. However, a second *post mortem* performed at the request of the Lenkoe family found traces of copper and signs of electric shock on Lenkoe's toe, a bruise below the ear, marks on the neck and shoulders, and signs of haemorrhaging at the base of the skull. Three leading pathologists, one from the United States, testified that the mark on Lenkoe's toe was consistent with a recent electrical burn.
- 57 Major TJ Swanepoel testified that he had arrested James Lenkoe and had interrogated him from about 08h00 to 15h00 on the day of his death. The magistrate refused to allow certain political prisoners to testify that the security police, under the direction of Major Swanepoel, regularly used electric shock as a method of interrogation. The magistrate held that there was no satisfactory proof that Lenkoe died as the result of electric shock and concluded that he

² Kairos.